AMENDED IN ASSEMBLY APRIL 14, 2011 AMENDED IN ASSEMBLY MARCH 30, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 298

Introduced by Assembly Members Brownley, Dickinson, and Huffman Member Brownley
(Principal coauthor: Assembly Member Chesbro)
(Coauthors: Assembly Members Dickinson, Huffman, and Ma)
(Coauthors: Senators De León and Evans)

February 9, 2011

An act to add Chapter 5.2 (commencing with Section 42280) to Part 3 of Division 30 of the Public Resources Code, relating to recycling.

LEGISLATIVE COUNSEL'S DIGEST

AB 298, as amended, Brownley. Recycling: reusable bags.

Existing law, part of the California Integrated Waste Management Act of 1989, as administered by the Department of Resources Recycling and Recovery, requires an operator of a store, as defined, to establish an at-store recycling program that provides customers the opportunity to return clean plastic carryout bags to that store and to make reusable bags available to customers. A violation of these requirements is subject to civil liability penalties imposed by a local agency or the state. These requirements are repealed on January 1, 2013.

This bill would prohibit a manufacturer from selling or distributing a reusable bag, as defined, in this state if the bag is designed or intended to be sold or distributed to a store's customers, unless the guidelines for the cleaning and disinfection of the bag are printed on the bag or on a tag attached to the bag.

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Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the 2 following:

- (a) Despite local and state efforts to minimize land-based sources of pollution, and increasing efforts worldwide to protect water quality, the quantity of plastic pollution in the world's aquatic environments is increasing.
- (b) Recycled content paper carryout bags, while not without their environmental impacts, when made with 40 percent or more postconsumer content, are a high-value recyclable collected in every curbside and community recycling program in California.
- (c) Plastics made from biobased sources that are marketed as "compostable" or "biodegradable" are not environmentally sound alternatives to plastic carryout bags because they have not been shown to degrade in aquatic environments and require conditions only available in composting facilities to rapidly break down into constituents that assimilate back into the environment. Most Californians lack access to composting facilities capable of accepting compostable plastic bags.
- (d) On February 8, 2007, the California Ocean Protection Council approved a resolution to call for statewide action to reduce the amount of land-based sources of marine debris. The resulting implementation strategy, adopted by the California Ocean Protection Council in November 2008, called for aggressive actions to reduce the use of single-use plastic products, including plastic bags.
- (e) In California and other states, many cities have already introduced or enacted bans on single-use carryout bags, creating a patchwork of rules and regulations governing the use and disposal of these bags.
- 30 SEC. 2. Chapter 5.2 (commencing with Section 42280) is added to Part 3 of Division 30 of the Public Resources Code, to read:

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Chapter 5.2. Reusable Bags

- 42280. For purposes of this chapter, the following definitions shall apply:
- (a) "Manufacturer" means a producer of a reusable bag or a person that purchases a reusable bag from a producer for resale or redistribution in this state.
- (b) "Reusable bag" means a bag with handles that is specifically designed and manufactured for multiple reuse and meets all of the following requirements:
- (1) Has a minimum lifetime of 125 uses, which for purposes of this subdivision, means the capability of carrying a minimum of 22 pounds 125 times over a distance of at least 175 feet.
 - (2) Has a minimum volume of 15 liters.
- (3) Is machine washable or is made from a material that can be cleaned or disinfected.
- (4) Does not contain lead, cadmium, or any other heavy metal in toxic amounts, as defined by applicable state and federal standards and regulations for packaging or reusable bags.
- (5) Has printed on the bag, or on a tag that is permanently affixed to the bag, the name of the manufacturer, the location (country) where the bag was manufactured, a statement that the bag does not contain lead, cadmium, or any other heavy metal in toxic amounts, and the percentage of postconsumer recycled material used, if any.
 - (6) If made of plastic, is a minimum of at least 2.25 mils thick.
- (c) "Store" means a retail establishment that meets any of the following requirements:
- (1) A full-line, self-service retail store with gross annual sales of two million dollars (\$2,000,000), or more, and which sells a line of dry grocery, canned goods, or nonfood items, and some perishable items.
- (2) Has over 10,000 square feet of retail space that generates sales or use tax pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law (Part 1.5 (commencing with Section 7200) of Division 2 of the Revenue and Taxation Code) and has a pharmacy licensed pursuant to Chapter 9 (commencing with Section 4000) of Division 2 of the Business and Professions Code.
- (3) Is a convenience food store, foodmart, or other entity engaged in the retail sale of a limited line of goods that generally

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includes milk, bread, soda, and snack foods-with, and has a Type
 20 or Type 21 license issued by the Department of Alcoholic
 Beverage Control.
 42281. A manufacturer shall not sell or distribute a reusable

42281. A manufacturer shall not sell or distribute a reusable bag in this state if the reusable bag is designed or intended to be sold or distributed to a store's customers, unless guidelines for cleaning and disinfecting the reusable bag are printed on the bag, or on a tag attached to the bag, in a manner visible to the consumer.

42282. Nothing in this chapter shall affect the authority of the Department of Toxic Substances Control pursuant to Article 14 (commencing with Section 25251) of Chapter 6.5 of Division 20 of the Health and Safety Code and, notwithstanding subdivision (c) of Section 25257.1 of the Health and Safety Code, a reusable grocery bag shall not be considered as a product category already regulated or subject to regulation.